IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT AUGUSTA DIV.

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ANTONIO T. WALTON,)	CLERK Hodge SO. DIST. OF BA.
Petitioner,)	
V.)) CV 119-02	27
EDWARD PHILBIN, Warden,)	
Respondent.)	

ORDER

Petitioner, currently incarcerated at Augusta State Medical Prison ("ASMP") in Grovetown, Georgia, originally submitted a petition for writ of habeas corpus under 28 U.S.C § 2254 and seeks to proceed *in forma pauperis* ("IFP"). However, upon initial review of Petitioner's filings, the Court was unable to determine whether he was attempting to assert a petition for habeas corpus relief or a civil rights claim pursuant to 42 U.S.C. § 1983. On March 21, 2019, the Court ordered Petitioner to clarify whether he was intending to proceed with a habeas corpus petition or a § 1983 complaint. (Doc. no. 5.) The Court directed the Clerk to include the form habeas petition and civil complaint attached to its March 21st Order, giving Petitioner the option of bringing both claims if he wished. (Id.)

Rather than return the forms as instructed, Petitioner filed a motion to amend and included nine pages of facts completely unrelated to his initial filing. (Doc. no. 6.) On April 19, 2019, the Court denied as moot Petitioner's motion to amend and again instructed him to provide the proper forms of the claims in which he intends to bring because Petitioner failed to provide the forms as instructed. (Doc. no. 8.) On April 25, 2019, prior to receiving the

Court's April 19th Order, Petitioner returned both the form habeas petition and the form complaint. (Doc. no. 9); see Walton v. Dozer, CV 119-063 (S.D. Ga. April 25, 2019) (hereinafter "CV 119-063").) The Clerk docketed Petitioner's amended habeas petition in the above captioned case and opened a new case for the form complaint. See CV 119-063. On May 1, 2019, Plaintiff filed a second amended petition stating substantially similar information as in his amended petition. (Doc. no. 11.)

In his amended and second amended habeas petitions, Petitioner did not provide the proper information detailing his underlying criminal conviction. (See doc. nos. 9, 11.) However, in both his original petition and after searching the Georgia Department of Corrections inmate database, it is clear Petitioner was convicted in Chatham County Superior Court in Chatham County, Georgia. (Doc. no. 1); see http://www.dcor.state.ga.us; follow Find an Offender Link; search "Walton, Antonio" (last visited May 14, 2019). It is the practice of the federal courts in Georgia to transfer an action attacking a conviction to the district and division in which the original criminal proceedings were conducted. Because Chatham County is located in the Savannah Division, the Court TRANSFERS the case to the Savannah Division as Civil Action Number 4:19-cv-110 . All future filings in this case should be made with the Clerk, U.S. District Court, P.O. Box 8286, Savannah, Georgia 31412.

SO ORDERED this ____day of May, 2019, at Augusta, Georgia.

J. RANDAL HALL, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA